

R E M A R K S

Reconsideration of this application, as amended, is courteously solicited.

The period for response to the Office Action of May 11, 2005 has been extended by three months to and including November 11, 2005 by the Petition For Extension Of Time attached hereto and made a part hereof. Favorable action with respect thereto is respectfully requested.

The drawings filed in this case have been accepted.

The disclosure of the subject patent application was objected to under 37 CFR 1.1163(a) "because the specification presents less than a full and complete botanical description and the characteristics which distinguish over related known varieties." The applicant respectfully disagrees with this characterization of the specification as originally submitted. However, in a good faith effort to advance the prosecution of this case to allowance, the specification has been amended hereby to meet the Examiner's objections to the extent possible.

More specifically, paragraph "A" states "Applicant should insert -- Plant -- after "Grapevine" in the Title." This amendment to the specification has been made hereby.

Paragraph "B" states "Page 3, lines 1 and 2, Applicant should set forth in the specification which parental cultivar was the female cultivar and which was the male cultivar." This amendment has been made hereby.

Paragraph "C" states "Page 4, lines 16-21 Applicant should set forth in the specification the age of the plant when described in the specified location of culture. It is noted in the Remarks section, page 2, filed November 3, 2004 that "information is not available to the applicant in sufficiently dependable form to amend the application in response to the Office Action." Applicant should know the age of the plant when described as the instant plant was part of a breeding program conducted by the inventor. As such the inventor "monitored and asexually reproduced" (as stated on page 3, lines 12-17) and obtained information regarding the instant plant's characteristics including the fruit. It is therefor believed the information requested can be reasonably obtained." The requested amendment has been made hereby, in the detail possible, after extensive reinvestigation.

Paragraph "D" of the Office Action states "Page 5, line 2, Applicant should set forth in the specification the typical and observed plant height and diameter as applicant has stated the instant plant appears as a bush. The recitation "Large" is vague and insufficient in this regard." This amendment to the specification has been made hereby.

Paragraph "E" states "Page 5, line 6, Applicant should set forth in the specification the typical and observed trunk diameter at a specified height above the ground. The recitation "slender" is vague and insufficient in this regard." This amendment to the specification has been made hereby.

Paragraph "F" states "Page 5, line 9, Applicant should set forth in the specification the typical and observed cane length and width. The recitation "Medium" is vague and insufficient in this regard." This amendment has been made hereby in more detail than required.

Paragraph "G" states "Page 5, line 9, Applicant should set forth in the specification the typical and observed shoot diameter." This amendment to the specification has been made hereby.

Paragraph "H" states "Applicant should set forth in the specification the typical and observed bud size. The recitation "Medium" is vague and insufficient in this regard." This amendment has been made hereby in more detail than required.

Paragraph "I" states "Page 6, line 12, Applicant should set forth in the specification additional information relative to the instant plant's leaf including the typical and observed leaf width, shape, and apex and base descriptors." This amendment to the specification has been made hereby.

Paragraph “J” states “Page 6, line 19, Applicant should set forth in the specification additional information relative to the instant plant’s petiole including the typical and observed petiole diameter and coloration with reference to the employed color chart.” This amendment to the specification has been made hereby.

Paragraph “K” states “Page 7, line 6, Applicant should set forth in the specification additional information relative to the instant plant’s inflorescence including the typical and observed flower depth and diameter.” This amendment has been made hereby in more detail than required.

Paragraph “L” states “Applicant should set forth the specification information relative to the instant plant’s petals and sepals including the typical and observed petal and sepal number per flower, shape, length, width, apex, base and margin descriptors and colorations (both surfaces) with reference to the employed color chart.” The requested amendment has been made hereby in the detail possible.

Paragraph “M” states “Page 7, line 13, Applicant should set forth in the specification the typical and observed number of pistils per flower.” This amendment to the specification has been made hereby.

Paragraph “N” states “Page 7, line 14, Applicant should set forth in the specification at least a generic coloration for pollen.” This amendment to the specification has been made hereby.

Paragraph “O” states “Page 8, line 4, Applicant states “0.464” but does not state what this number represents. It is not understood whether this number represents a percentage or measurement or something else. Correction and/or clarification is necessary.” This amendment has been made hereby in more detail than required.

Paragraph “P” states “Page 8, line 11, Applicant should set forth in the specification the typical and observed cluster size. The recitation “Medium to large” is vague and insufficient in this regard.” The requested amendment has been made hereby in the detail possible.

Paragraph “Q” states “Page 9, lines 8 – 11, Applicant should set forth in the specification additional information relative to the instant plant’s flesh including the typical and observed flesh coloration with reference to the employed color chart.” This amendment to the specification has been made hereby.

Paragraph “R” states “Page 9, line 16, Applicant should set forth in the specification a USDA Hardiness zone as the recitations “Cold” and “heat” do not set forth a temperature in which the instant plant may survive

and/or withstand.” The requested amendment has been made hereby in the detail possible.

Paragraph “S” states “The pages of the specification should be numbered consecutively.” This has been done.

Paragraph “T” states “Applicant should set forth -- plant -- in The Claim (MPEP 1605, 37 CFR 1.164) as The Claim shall be in formal terms to the new and distinct variety of the specified “plant”.” The claim has been so amended.

Finally, the Office Action rejected the claim “under 35 U.S.C. 112, first and second paragraphs as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Objection to the Disclosure Section above.” In view of the amendments to the specification and claim hereby and this amendment, the applicant believes that he has fully complied with all of the requirements of the subject Office Action to the extent possible. Furthermore, the applicant has supplied additional botanical description where possible and believed helpful. Accordingly, it is believed the claim is clearly allowable. Favorable action thereon is courteously solicited.

As stated in the subject Office Action, on page 3 thereof:

“No plant patent shall be declared invalid for noncompliance with section 112 of this title if the description is as complete as reasonably possible.”

In view of this amendment and the foregoing remarks, the Applicant believes that the description of the subject application is certainly as complete as reasonably possible and that the claim is allowable. In view of the foregoing, it is believed this case is in condition for allowance.


Therefore, prompt Notice of Allowance of the subject application including the claim is respectfully requested.

The applicant, through his attorney of record, authorizes the Examiner to telephone the attorney, collect, in the event a telephone discussion could be helpful to the prosecution of this application.

Respectfully submitted,

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TITLE OF NEW VARIETY

Grapevine Plant Denominated 'Blanc Seedless'

CROSS-REFERENCE TO RELATED APPLICATIONS

Not applicable.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable.

LATIN NAME OF THE GENUS AND SPECIES OF THE PLANT

CLAIMED

Vitis vinifera

SPECIFICATION

BACKGROUND OF THE NEW VARIETY

The present invention relates to a new and distinct variety of grapevine, which will hereinafter be denominated varietally as the 'Blanc Seedless' grapevine, and, more particularly, to a grapevine which is large, vigorous and productive, the fruit of which is mature for commercial harvesting and shipment in mid October in the San Joaquin Valley of central California.

The 'Thompson Seedless' grapevine, particularly when viewed from a historical vantage point, is one of the most commercially successful grapevines to have been discovered and commercialized. The San Joaquin Valley of central California, one of the most productive areas of the world for

grapevine borne crops, has seen plantings of many thousands of acres of this variety over many decades. In some respects, it is the commercial standard by which many other varieties are judged. Nonetheless, there have been many subsequently discovered, commercially successful varieties of grapevines.

With these considerations in mind, it is always a desire in experimentation to discover new grapevine varieties which have improved characteristics relative to prior successful varieties. For example, the objective may be to discover a new variety which has the attractive characteristics of the prior variety, but which may be distinct therefrom in certain respects, such as the ripening date. In this example, the extension of the market for such fruit resulting from the existence of a different ripening date enhances the market value of the fruit produced thereby, in some instances for both varieties.

The grapevine of the present invention has many of the attractive characteristics of prior commercially successful varieties, while possessing distinctive qualities which make it uniquely appealing.

ORIGIN AND ASEXUAL REPRODUCTION OF THE NEW VARIETY

The present variety of grapevine hereof, *Vitis vinifera*, was discovered by the inventor in a grapevine breeding program initiated in 1992 in a vineyard which is located near Delano, in the San Joaquin Valley of central California. The grapevine of the present invention was discovered in a cross

breeding of the 'Red Globe' grapevine (female) (U.S. Plant Patent No. 4,787) and the 'Crimson' grapevine (male), both commercially successful varieties of grapevines producing red fruit and with complex parentage grown in California. Throughout the season, the newly discovered variety, evidenced that the fruit produced therefrom is seedless, and the grapevine slightly resembles a large 'Thompson Seedless' grapevine. However, the fruit produced thereby has a much later ripening date. The present variety has very distinctive quality characteristics, relative to other known varieties and can be distinguished therefrom in a number of other important respects which may be summarized in part as producing a table grape of outstanding size relative to other seedless varieties and with a delayed period of ripening.

In 1998, the present variety was successfully grafted, for asexual reproduction, on mature 'Thompson Seedless' grapevine root stock and planted in the aforesaid vineyard. The inventor monitored the asexually reproduced grapevines of the instant variety and confirmed that, in all respects, the asexually reproduced grapevines were identical to the original grapevine of the new variety.

SUMMARY OF THE NEW VARIETY

The grapevine denominated 'Blanc Seedless' is characterized by producing large, generally white, or light green, seedless berries which are ripe for commercial harvesting and shipment in approximately mid October in the San Joaquin Valley of central California. The new variety is, perhaps, most closely similar to the 'Thompson Seedless' grapevine, but is distinguished therefrom in a number of respects, including the aforementioned ripening date. The fruit is firm, has a mild flavor, good eating quality and an apparent resistance to adverse conditions.

BRIEF DESCRIPTION OF THE DRAWING

The drawing is a color photograph showing representative portions of the grapevine of the subject invention including a cluster of grapes with attached section of the cane or branch, and foliage disposed to show the under surface of the leaf thereof, a second leaf disposed to show the upper surface thereof, and two berries, or grapes, from the cluster, a first berry sectioned along the axis transverse to the longitudinal axis and laid open to expose the flesh and a second berry sectioned and laid open along the longitudinal axis to expose the flesh, together with a scale to indicate the relative sizes of the portions depicted in the photograph.

DETAILED DESCRIPTION

Referring more specifically to the botanical details of this new and distinct variety of grapevine, the following has been observed under the ecological conditions prevailing at the vineyard of origin which is located near Delano, California. All major color code designations are by reference to the Dictionary of Color, by Maerz and Paul. Common color names are also occasionally employed.

The variety of the subject invention was selected by the inventor from a progeny of two hundred twenty (220) seedlings planted in 1994 in a field in the Delano area of the San Joaquin Valley of California. The new variety was then asexually reproduced on 'Thompson Seedless' grapevine root stock from the original seedling in the spring of 1998 at the same location. The original disclosure of the asexually reproduced grapevine of the new variety was prepared in the spring of 2003.

VINE

GENERALLY: Size – Large. Appearing as a bush. Typical observed plant height 5 feet to 6 feet and plant diameter 5 feet to 6 feet, both subject to pruning and training. Some of the canes extend to 2.5 meters (8 feet) and the canes can be trained on high trellises.

Vigor – Vigorous. More vigorous than either parent. The canopy is thick.

Productive Capacity – Very productive with spur pruning. Tendency to produce a small secondary crop on current season's growth.

TRUNK: Size – Slender. Long split straps. Typical and observed trunk diameter at one foot height from ground, 59 millimeters (2.3 inches).

Color - Bark – Dark brown (8-E-11) – Medium brown under bark (7-C-12) India Tan.

Canes - Medium length and width (16-20 nodes). Some canes are long to 2.5 meters (8 feet). The width at the 3rd node is 11 millimeters (0.4 feet).

Mature Canes – Color – Raw Sienna (13-L-10).

Nodes - Round, slightly enlarged. Lengths between the nodes is 76.2 millimeters (3 inches) to 127.0 millimeters (5 inches).

Shoots – Size - Medium to long.

Shoots – Length - 76.2 millimeters (3 inches) to 101.6 millimeters (4 inches). Shoot diameter 0.7 millimeters. Shoots are slightly colored, light green, with a glossy appearance.

Shoots – Shape - Circular to slightly flat.

Shoots – Contour - Smooth.

Tendrils – Numbers – Few.

Tendrils – Length – 101.6 millimeters (4 inches) to 203.2 millimeters (8 inches).

Tendrils – Location - Discontinuous.

Tendrils – Form - Bifurcated and trifurcated.

Tendrils – Texture - Smooth.

Buds – Shape - ~~Slightly pointed.~~ Conical, slightly pointed.

Buds – Size - Medium. Average length 6 millimeters. Average width 6 millimeters.

Buds – Fruitfulness - Base mostly fruitful.

Bud Break - Near Delano, in the San Joaquin Valley of central California, in the end of March.

LEAVES

Size – Generally – Medium to large.

Density - Heavy.

Average Length – Mature Leaf – 101.6 millimeters (4 inches) to 152.4 millimeters (6 inches).

Average Width – Mature Leaf – 127 millimeters (5 inches). Five lobes, basal lobe short, less prominent than laterals. Terminal teeth large in contrast with lateral teeth. Petiole sinus wide opened, “U” shaped, occasionally overlapping inferior sinuses. Inferior sinuses narrow.

Texture – Upper Surface - Smooth.

Texture – Lower Surface - Glabrous.

Color – Dorsal – Dark green (24-L-7).

Color – Ventral – Light green (23-L-7).

Color – Leaf Vein – Midrib – Grape green (21-J-1).

Petiole – Length - 76.2 millimeters (3 inches) to 127.0 millimeters (5 inches), round or flattened.

Petiole Diameter – Thin, 3 millimeters.

Petiole Color – Light green (23-L-7).

Petiole Sinus - Form – U shaped, lateral sinus occasionally overlapping.

Lobe - Four pointed.

Marginal Form – Generally – Serrate, 10 to 14 per lobe.

Teeth – Size - Irregular.

Teeth – Number – 50 to 60.

Teeth – Shape - Pointed.

INFLORESCENCE

Size - Medium.

Number Borne Per Spur - Average two.

Number Borne Per Vine – 30 to 35 (16 spurs).

FLOWERS

Flowers – Location – (Node where fruit is produced.) – Usually 2nd to 4th node from the base on spur pruning. Flower, still closed, is pear shaped. Type – fertile. Pedicel – Adherence to berries – strong. Length

– 7 millimeters to 8 millimeters. Number of clusters per vine 30 to 35.

Microscopic bud examination indicates that six percent (6%) of the buds have double cluster primordia the size of peduncle. Medium length, 50 millimeters (2 inches). Average width 5 millimeters (3/16 inch).

Date of Bloom – May 5.

Date of Full Bloom - May 10 to May 12.

Date of Visible Berries Set - May 18.

Stamens – Upright or diverging. Number – 6. Stamens length 1.6 millimeters, filaments straight. Length of filaments – Average 2 millimeters. Petals and Sepals – Number 5. Sepals poorly developed. Color- light green – (22-L-4) Calla green. They are formed like a cap and at bloom the petals open from the bottom to the top from the pressure of the stamens and, after, stay at the top like an inverted cup and later drop.

Pistils – Color - Light green (22-L-4) Calla green.

Pistils – Number per flower – One small pistil which produces a liquid to hold pollen grains to favor germination.

Amount of Pollen - Abundant.

Pollen – Color – yellow.

FRUIT

MATURITY WHEN DESCRIBED: Ripe for commercial harvesting and shipment approximately mid October near Delano, in the San Joaquin Valley of central California, about four weeks later than the 'Thompson Seedless' grapevine and two to three weeks later than 'Red Globe' grapevine (U.S. Plant Patent No. 4,787) and 'Crimson' grapevine.

Solids – Sugar - 19.0%.

Acid - ~~0.464~~. Percent titratable acidity 0.464% (At the end of September).

Sugar/Acid Ratio - 40.9.

Juice PH - 3.85 on October 3, 2000.

Seeds - None. Seedless.

Capstem – Pedicel - Strong.

Berry – Weight - 6 grams (0.21 ounces) to 8 grams (0.28 ounces).

Juice Color – Colorless.

SIZE: Cluster - Generally – Medium to large. Cluster size – Length from the point of attachment averages 240 millimeters (12 inches). Cluster size itself averages 8 inches in length.

Cluster – Weight - Average one pound.

Compactness - Loose to compact.

Cluster – Form - Conical shouldered.

Berry – Size - Medium to large.

Berry – Form - Mostly uniform.

Berry – Size - Dimensions Longitudinal Axis - 20 millimeters (0.8 inches) to 25 millimeters (1 inch).

Berry – Size – Diameter Axis - 14 millimeters (0.56 inches) to 16 millimeters (0.64 inches).

Berry – Numbers - 100 to 140 per cluster.

Form – Ellipsoidal elongated.

SKIN: Thickness – ~~Thick.~~ Smooth, thick and resistant to detachment.

Texture – Firm.

Tendency to Crack – None.

Color – Light green (21-K-2) and amber yellow (10-J-3) on exposed berries.

Pulp - Adheres to skin.

Lenticels - One small, round pore like in distal end.

FLESH:

Flavor – Sweet, ~~mild.~~ mild to neutral. Chalaza long and attached to vascular tissue.

Texture – Crisp, firm.

Color of flesh – Pale green.

Eating Quality – Good.

USE: Dessert.

KEEPING QUALITY: After two months in the storage, still in good appearance.

RESISTANCE TO DISEASE: Unknown.

RESISTANCE TO: Cold, drought, heat and wind. The new variety is well adapted to the type of soil and climatic conditions of the central valley of California where most of the table grapes in California are grown. The minimum and maximum temperatures range from 25° Fahrenheit to 108° Fahrenheit. Late spring frosts are rare in the central valley of California.

SHIPPING AND HANDLING QUALITIES: Untested.

Although the new variety of grapevine possesses the described characteristics noted above as a result of the growing conditions prevailing near Delano, in the central part of the San Joaquin Valley of California, it is to be understood that variations of the usual magnitude and characteristics incident to changes in growing conditions, irrigation, fertilization, pruning, pest control, climatic variations and the like are to be expected.

1. A new and distinct variety of grapevine plant substantially as illustrated and described which is somewhat remotely similar to the 'Thompson Seedless' grapevine, but from which it is distinguished in a number of respects including by producing fruit which is mature for commercial harvesting and shipment approximately in mid October in the San Joaquin Valley of central California and which has firm, medium to large berries of light green skin coloration which are seedless and with a mild flavor and crisp flesh.